

**2010 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

Contact Person: Angela Neri Telephone Number: 619-588-6782

Name of Agency: The Charter School of San Diego

Mailing Address 10170 Huennekens Street, San Diego, 92121

This agency has reviewed its conflict of interest code and has determined that:

☐ **Amendments are necessary:** (Attach Amended Code)  
(Check all that applies)

- ☐ Include new positions (including consultants) which must be designated
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished
- ☐ Delete positions that manage public investments
- ☒ Revise disclosure categories
- ☐ Other \_\_\_\_\_

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: Mary Joany Bixby Date: 8/31/10

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2010 to:**

**Clerk of the Board of Supervisors  
(Conflict of Interest Code)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101**

Approved and/or authorized by the Board  
of Supervisors of the County of San Diego  
Date 10/14/10 Minute Order No. 9  
THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
Angela Neri  
Deputy Clerk



**Altus - The Charter School of San Diego**  
Student Success Programs

**Board of Directors Meeting – Wednesday, September 8, 2010**

10:00 a.m. – 12:00 p.m.

10170 Huennekens Street ▪ San Diego, CA 92121

This agenda contains a brief, general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing in the following agenda.

Call to Order  
Pledge of Allegiance  
Establish Quorum  
Public Comment  
Approval of Agenda

Agenda Item	Presenter
Welcome and Introduction of New Board Members	Bixby/Peluso
Approval of Board Member Seat 3 – Teacher Plurality *	Peluso
Approval of Minutes of Meeting for June 16, 2010 and August 10, 2010 # *	Neri

**Corporate Business**

*Financial Report*

Approval of Unaudited Actuals for FY 09-10 # \* Alipio

Board Evaluations ▪ \*

Bixby

Property Conversion

Bixby

~~Tentative Adoption of the Resolution to Amend the Conflict of Interest Code # \*~~

~~Alipio~~

**New Business**

Ratification of the Consolidated Application # \*

Quann

Public Hearing and Approval of Resolution of Sufficiency of Textbooks ▪ \* time certain 10:30 am

Quann

Public Hearing and Approval of Implementation of Categorical Flexibility

Transfers Resolution # \*

Quann

Site Indicators #

Fajardo

*Presidents Report*

Bixby

Instructional Overview Presentation

Giaquinta/Quann

Occupancy Status #

Bixby

Employee Report Summary #

Yandell

7  
Proposition J –fyi  
SDCS Annual Review 2009-2010 #  
District Welcome #  
Initiative for the Year  
Letter to the CA State Board of Education #  
Leasing and Purchasing of Property  
Allocation Deferral  
Radio Spots – Marketing  
Upcoming Events

Bixby  
Bixby  
Bixby  
Bixby  
Bixby  
Bixby  
Bixby  
Bixby  
Giaquinta/Robertson

Open Discussion

Board

Adjournment

Peluso

*	Requires Board Action
#	See Attachments [Available Upon Request]
•	Handout at Meeting

Quarterly Meetings are held on the Second Wednesday of assigned months

**NEXT MEETING – February 9, 2011, 10:00 a.m.**

Notice: Student Success Programs, Inc., dba The Charter School of San Diego ("School") does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Mary Searcy Bixby, President and Chief Executive Officer, has been designated to receive requests for disability-related modifications or accommodations in order to enable individuals with disabilities to participate in School's open and public meetings. Please notify Mary Searcy Bixby at (858) 678-2020 twenty-four (24) hours or more prior to disability accommodations being needed in order to participate in the meeting. **Agenda Reports/Exhibits** – In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at 10170 Huennekens Street, San Diego, CA 92121; or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Mary Bixby at (858) 678-2020.

*Certification of Posting*

*I, Angela Neri, Secretary of the Charter School of San Diego, herby certify that I posted this agenda at 10170 Huennekens Street, San Diego, California on Wednesday, September 1, 2010.*

COUNTY OF SAN DIEGO  
RESOLUTION OF THE BOARD OF DIRECTORS  
OF STUDENT SUCCESS PROGRAMS  
dba Charter School of San Diego  
ADOPTING A CONFLICT OF INTEREST CODE

2010 SEP 17 PM 4 12  
THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS  
**WHEREAS**, Student Success Programs dba Charter School of San Diego, as a California charter school ("Corporation"), is required to adopt a Conflict of Interest Code pursuant to Government Code Section 87300; and

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code Regs. §18730) which is a model conflict of interest code and requires certain local agency officials, employees, and consultants to file FPPC Form 700, statement of economic interests; and

**WHEREAS**, Corporation desires to adopt a Conflict of Interest Code incorporating the FPPC Model Code by reference;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Corporation that:

1. A Conflict of Interest Code, in the form attached as Exhibit A, is hereby tentatively adopted and promulgated.
2. The President/CEO is hereby directed to open a 45-day public comment period to begin on September 20, 2010, by posting a Notice of Intention to Adopt a Conflict of Interest Code on the Corporation's employee bulletin boards or in the employee newsletters, and concurrently mailing notice to the San Diego County Board of Supervisors.
3. The Conflict of Interest Code shall become effective immediately upon:
  - a. Its final approval by the Board of Directors following close of the public comment period and after a public hearing, if requested, at its meeting on February 9, 2011 and
  - b. Its approval by the San Diego County Board of Supervisors as the code-reviewing body.
4. Upon its final approval by the Board of Directors of the Corporation, the President/CEO is hereby directed and authorized to submit a certified copy thereof to the San Diego County Board of Supervisors for approval.

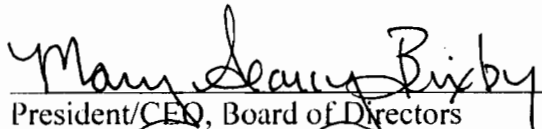
APPROVED AND ADOPTED this 8 day of Sept, 2010.

AYES: ASCHBRENNER, BIXBY, COLLINS, FERRIS, PELUSO

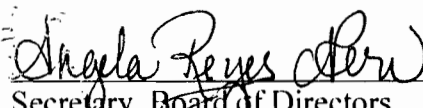
NOES:

ABSENT: NERSESIAN, WATKINS

ABSTAIN:

  
\_\_\_\_\_  
President/CEO, Board of Directors  
Student Success Programs dba Charter School of San Diego

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors  
Student Success Programs dba Charter School of San Diego

**APPENDIX TO  
CONFLICT OF INTEREST CODE OF THE  
STUDENT SUCCESS PROGRAMS  
dba Charter School of San Diego**

**Preamble**

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from the Charter School of San Diego's general counsel. (Gov. Code § 83114; Title 2 Cal. Code of Regs. § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by general counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on general counsel's opinion as evidence of good faith. In addition, the Charter School of San Diego may consider whether such reliance should constitute a mitigating factor to any disciplinary action that the Charter School of San Diego may bring against the requesting party under Government Code § 91003.5.

**I.**

**Designated Employees**

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of Charter School of San Diego's Board of Directors	4 through 6
CEO/President, Charter School of San Diego's Board of Directors	1 through 6
Business and Operations Manager	1 through 6
CFO/Treasurer of Charter School of San Diego's Board of Directors	1 through 6
General Counsel	4 through 6
Consultants <sup>1</sup>	--

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<sup>1</sup> With respect to consultants, the CEO/President may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The CEO/President's determination is a public record and shall be retained for public inspection by the

## II.

### Disclosure Categories

#### Category 1. Reportable Investments

A designated employee in this category shall report all reportable investments, as defined in Government Code § 82034, in business entities located in, doing business in, planning to do business in, or having done business in the previous two (2) years in San Diego County in which the Corporation's school is located, which business entities operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized the Corporation or its school.

#### Category 2. Reportable Interests in Real Property

A designated employee in this category shall disclose all interests in real property, as defined in Government Code §§ 82033 and 82035, that are within two (2) miles of any facility or real property owned or used by the Charter School of San Diego.

#### Category 3. Reportable Income

A designated employee in this category shall disclose all income as defined in Government Code § 82030 of the designated employee from business entities or other sources located in, doing business in, planning to do business in, or having done business in the previous two (2) years in San Diego County during the reporting period which business entities operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized the Corporation or its school.

#### Category 4. Less-Inclusive Reportable Investments

A designated employee in this category shall disclose only investments as defined in Government Code § 82034 in any business entity, which within the last two (2) years has contracted with or in the future foreseeably may contract with the Charter School of San Diego to provide personnel, services, supplies, material, machinery or equipment:

(a) to the Charter School of San Diego, of the type utilized by the Charter School of San Diego which is located in or doing business in San Diego County, and associated with the job assignment or position of the designated employee; or

(b) to any entity which has contracted with the Charter School of San Diego within the last two (2) years or which in the future foreseeably may contract with the Charter School of San Diego to provide services, supplies, materials, machinery or equipment associated with the job assignment or position of the designated employee.

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Charter School of San Diego in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

#### Category 5. Less-Inclusive Reportable Income

A designated employee in this category shall disclose only that reportable income as defined in Government Code § 82030 which is derived from a source which within the last two (2) years has contracted with the Charter School of San Diego or in the future foreseeably may contract with the Charter School of San Diego to provide personnel, services, supplies, materials, machinery or equipment:

(a) to the Charter School of San Diego, of the type utilized by the Charter School of San Diego which is located in or doing business in San Diego County, and associated with the job assignment or position of the designated employee; or

(b) to any entity which has contracted with the Charter School of San Diego within the last two years or which in the future foreseeably may contract with the Charter School of San Diego to provide personnel, services, supplies, materials, machinery or equipment associated with the job assignment or position of the designated employee.

#### Category 6. Business Positions

A designated employee in this category shall disclose by completing Form 700, Schedule C. A designated employee shall list, with respect to any business entity which operates or provides facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized the Corporation or its school:

(a) the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management;

(b) a description of the business activity in which the business entity is engaged; and

(c) the designated employee's position with the business entity.



## **Descriptions of Positions and Offices with Explanation of Reasons for Employees and Consultants to Charter Schools Being “Designated Employees”**

### Members of the Board of Directors

The Members of the Board of Directors of the charter school or its operating corporation formulate general policy and programs of the charter school/corporation, and each member of the Board of Directors therefore is designated.

### President/CEO

President/CEO is an officer of the Board of Directors, and participates in the formulation of the charter school/corporation’s general policy and programs, and implements policy on behalf of the Board of Directors. He/she therefore is designated.

### CFO/Treasurer

The CFO/Treasurer is an officer of the Board of Directors, and participates in the formulation of the charter school/corporation’s general policies and programs in the areas of finance and general office administration. He/she therefore is designated.

### Business and Operations Manager

The Business and Operations Manager, an employee of the charter school/corporation, participates in the formulation of the charter school/corporation’s general policies and programs in the areas of finance and general office administration. He/she therefore is designated.

### General Counsel

Legal counsel is hired on a contract basis and advises the charter school/corporation on its day-to-day activities, including its relationships with the independent contractors who provide services to the charter school/corporation, and compliance with applicable laws and regulations. Because general counsel participates in the formulation and implementation of the policies and programs of the charter school/corporation, the primary contact of the firm retained is designated.